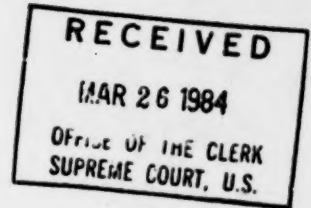


IN THE  
SUPREME COURT OF THE UNITED STATES

October Term, 1983

No. 83-6125



A-773

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ROGER DALE STAFFORD,

Petitioner,

vs.

THE STATE OF OKLAHOMA,

Respondent.

---

APPLICATION FOR STAY OF EXECUTION

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CHARLES B. GRETHEN  
Attorney-At-Law  
P.O. Drawer D  
Purcell, Oklahoma 73080

COUNSEL FOR PETITIONER

IN THE SUPREME COURT OF THE UNITED STATES

ROGER DALE STAFFORD,	)	
	)	
Petitioner,	)	
	)	
vs.	)	No. 83-6125
	)	
THE STATE OF OKLAHOMA,	)	
	)	
Respondent.	)	

APPLICATION FOR STAY OF EXECUTION

To The HONORABLE BYRON R. WHITE, Associate Justice of the United States Supreme Court:

Comes now the Petitioner, ROGER DALE STAFFORD, and prays that this Court grant and issue and immediate STAY OF EXECUTION in his case, which is presently pending before this Honorable Court on a Petition For Writ of Certiorari to the Oklahoma Court of Criminal Appeals.

The Judgment Below

The Court is currently reviewing the Judgment of the Oklahoma Court of Criminal Appeals in Stafford v. State, 83-6125.

Petitioner currently has pending an April 3, 1984 execution date. (App. A). On March 12, 1984, Petitioner filed with the Court of Criminal Appeals an application for an additional stay of execution. (App. B) This was denied on March 21, 1984, with the Court commenting:

" Said petition for certiorari has been filed and there remains ample time for that court to assume jurisdiction and issue an order staying execution if it desires to do so." (App. C)

Reasons For Granting The Stay

As reason for granting the stay, Petitioner would assert:

1. This Court docketed Petitioner's Petition for Writ of Certiorari to the Oklahoma Court of Criminal Appeals on or about the 4th day of January, 1984;
2. This Court has not addressed the Petition;

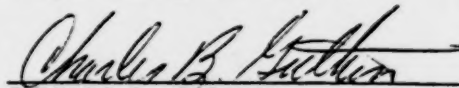
3. One of the grounds raised in the Petition is identical to that raised in Strickland v. Washington, 82-1554, which this Court granted certiorari and heard argument on January 10, 1984;

4. That Justice Blackmun has recently held that a State should not schedule an execution prior to the exhaustion of a capital petitioner's right to a petition for writ of certiorari from his direct appeal. MacDonald v. Missouri, A-525; Laws v. Missouri, A-526; Battle v. Missouri, A-527; Gilmore v. Missouri, A-531.

Prayer

WHEREFORE, premises considered, the Petitioner prays this Court GRANT and ISSUE a STAY OF EXECUTION in this capital Petitioner's case, pending resolution of his Petition For Writ of Certiorari to the Oklahoma Court of Criminal Appeals.

Respectfully Submitted,



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CHARLES B. GRETHEN

Attorney-At-Law

P.O. Drawer D

Purcell, Oklahoma 73080

Counsel for Petitioner

## Appendix A

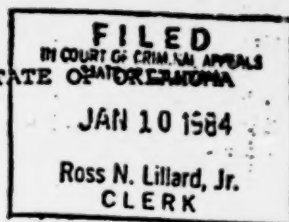
IN THE COURT OF CRIMINAL APPEALS OF THE STATE OF OKLAHOMA

ROGER DALE STAFFORD,  
Appellant,

-vs-

THE STATE OF OKLAHOMA,

Appellee.



No. F-80-256

ORDER STAYING AND RESETTING EXECUTION

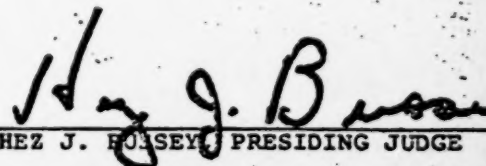
On January 9, 1984, appellant filed in this Court a motion for a stay of execution averring that he currently has a petition for certiorari on file before the United States Supreme Court.

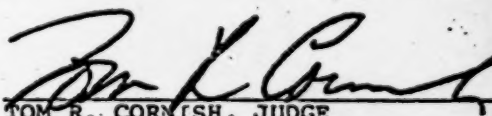
Being fully advised in the premises, we find that the motion should be GRANTED.

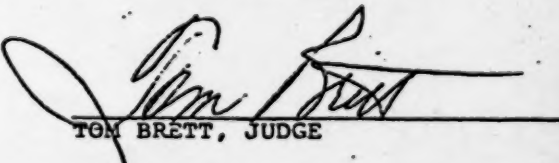
IT IS THEREFORE ORDERED that the execution date heretofore set for February 3, 1984, is reset for 60 days from that date, or until April 3, 1984.

IT IS SO ORDERED.

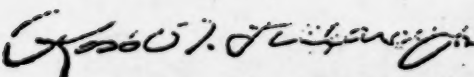
WITNESS OUR HANDS AND THE SEAL OF THIS COURT this 10<sup>th</sup> day of January, 1984.

  
HEZ J. HUSSEY, PRESIDING JUDGE

  
TOM R. CORNISH, JUDGE

  
TOM BRETT, JUDGE

ATTEST:

  
Clerk

## Appendix B

IN THE COURT OF CRIMINAL APPEALS OF  
THE STATE OF OKLAHOMA

ROGER DALE STAFFORD,

Appellant,

-vs-

STATE OF OKLAHOMA

Appellee.

Case No. F-80-256

M O T I O N

COMES NOW the Appellant, and moves the Court to stay the execution set herein for the 3rd day of April, 1984, for the reason that there is pending a Writ of Certiorari in the U.S. Supreme Court.

The Movant would further state that one of the issues raised by the Movant's Petition for Writ of Certiorari is pending in another case which the Court has granted Certiorari and therefore it is probably the reason that no action has been taken by the U.S. Supreme Court.

WHEREFORE, the Movant respectfully requests an additional stay of execution.

  
Charles B. Grethen  
Attorney for Appellant  
P.O. Drawer D  
Purcell, OK 73080  
(405)527-5571

CERTIFICATE OF MAILING

This is to certify that a true and correct copy of the above and foregoing Motion was mailed to the Attorney General in and for the State of Oklahoma this 24th day of March, 1984.

  
Charles B. Grethen

Appendix C

Order Denying Stay of Execution



IN THE COURT OF CRIMINAL APPEALS OF THE STATE OF OKLAHOMA

ROGER DALE STAFFORD,

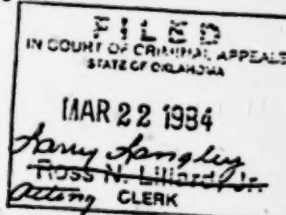
Appellant,

-vs-

THE STATE OF OKLAHOMA,

Appellee.

No. F-80-256



ORDER DENYING STAY OF EXECUTION

On January 10, 1984, the Court entered an order staying execution until April 3, 1984, to allow the petitioner to file his application to assume jurisdiction with the Supreme Court of the United States. Said petition for certiorari has been filed and there remains ample time for that court to assume jurisdiction and issue an order staying execution if it desires to do so.

THEREFORE, the application for an order of this Court further staying execution is DENIED.

IT IS SO ORDERED.

WITNESS OUR HANDS AND THE SEAL OF THIS COURT this 22nd day of March, 1984.

H. J. Bussey  
HEZ J. BUSSEY, PRESIDING JUDGE

Tom Brett  
TOM BRETT, JUDGE

ATTEST:

Susan Hampton, Deputy  
Clerk

IN THE SUPREME COURT OF THE UNITED STATES

ROGER DALE STAFFORD,

Petitioner,

-vs-

THE STATE OF OKLAHOMA,

Respondent.

83-6125

Case No. A-418

**MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS**

The Petitioner Roger Dale Stafford Jr., asks leave to file the Petition for Writ of Certiorari without prepayment of costs and to proceed in forma pauperis. Petitioner's affidavit in support of this motion is attached hereto.

Dated this the 2<sup>nd</sup> day of February, 1984.

*Charles B. Grethen*  
Charles B. Grethen  
Attorney for Petitioner  
P.O. Drawer D  
Purcell, OK 73080

**CERTIFICATE OF MAILING**

This is to certify that a true and correct copy of the above and foregoing Motion for Leave to Proceed in Forma Pauperis was mailed to the Attorney General in and for the State of Oklahoma on this 2<sup>nd</sup> day of February, 1984.

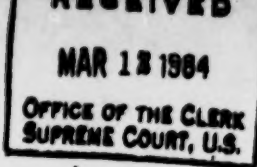
*Charles B. Grethen*  
Charles B. Grethen

RECEIVED

MAR 12 1984

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

83-6125



IN THE SUPREME COURT OF THE UNITED STATES

ROGER DALE STAFFORD,

Petitioner,

-VS-

THE STATE OF OKLAHOMA,

Respondent.

Case No. A-418

AFFIDAVIT

I, Roger Dale Stafford, Sr., being sworn, according to law, depose and say that, I am the Petitioner in the above-entitled case; that in support of my motion to proceed without being required to prepay fees, costs or give security therefor, I state that because of my poverty I am unable to pay the costs of said case or to give security therefor; and that I believe I am entitled to redress.

I further swear that the responses which I have made to the questions and instructions below relating to my ability to pay the costs of proceeding in this Court are true.

1. Are you presently employed? *NO*

a. If the answer is yes, state the amount of your salary or wages per month and give the name and address of your employer.

b. If the answer is no, state the date of your last employment and the amount of the salary and wages per month which you received.

*6 holiday road 80000 1979 exact Date UNK*

2. Have you received within the past twelve months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends or other source? *NO*

a. If the answer is yes, describe each source of income and state the amount received from each during the past twelve months.

3. Do you own any cash or checking or savings account? *NO*

a. If the answer is yes, state the total value of the items owned.

4. Do you own any real estate, stocks, bonds, notes, automobiles or other valuable property (excluding ordinary household furnishings and clothing)? *NO*

a. If the answer is yes, describe the property and state its approximate value.

5. List the persons who are dependant upon you for support and state your relationship to those persons. NONE

I understand that a false statement or answer to any questions in this affidavit will subject me to penalties for perjury.

Roger Dale Stafford, Sr.  
Roger Dale Stafford, Sr.

Subscribed and sworn to before me this 31 day of January, 1984.

Notary Public  
Notary Public

My Commission Expires:  
\_\_\_\_\_